

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 15-0083**

**QUIROZ et al. v. ALCOA et al.**

**Appellate Case Information**

Case Filed: 5-Feb-2015  
Case Closed:

**Dept/Composition**

**Department C**

Hon. Patricia A Orozco  
Hon. Peter B Swann  
Hon. Jon W Thompson

**Side 1. ERNEST V. QUIROZ and MARY QUIROZ, husband and wife, Plaintiff/Appellant**  
**(Litigant Group) MARY QUIROZ et al.**

- Mary Quiroz
- Megan E McSween
- Christopher M Quiroz
- Jennifer C Quiroz
- Anne M Sink
- Kathleen M Tate
- Monica Quiroz
- Ernest S Quiroz

**Co-Counsel for: Plaintiffs/Appellants**

Burton Rosenblatt, Esq. (AZ Bar No. 14023)  
Paul C Cook, Esq. (CA Bar No. 170901)  
Michael B Gurien, Esq. (CA Bar No. 180538)

**Side 2. ALCOA INC., et al., Defendant/Appellee**  
**(Litigant Group) ALCOA INC**

- Alcoa Inc
- Reywest Development Corporation
- Reynolds Metals Company

**Co-Counsel for: Defendants/Appellees**

Molly C Machold, Esq. (AZ Bar No. 26301)  
Mark Tuvim, Esq. (AZ Bar No. MARKTUVIM)  
Edward M Slaughter, Esq. (AZ Bar No. 28005)

**Side 3. COALITION FOR LITIGATION JUSTICE , LLC, Amicus Curiae**  
**(Litigant Group) COALITION FOR LITIGATION JUSTICE , LLC**

- Coalition for Litigation Justice Inc

**Attorneys for: Amicus Curiae**

Elizabeth Savoini Fitch, Esq. (AZ Bar No. 10442)

**CASE STATUS**

Oct 21, 2016.....Pending in ASC

PREDECESSOR CASE (S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2013-009160	Tort/Non-Motor Vehicle		Sally Schneider Duncan, Authoring Judge of Order		

**DESCENDENT CASE(S)**

ASC CV-16-0248-PR

**CASE DECISION**

20-Sep-2016 **OPINION**

Jon Thompson.....Author  
Patricia Orozco.....Concur  
Peter Swann.....Concur

Filed: 20-Sep-2016

Mandate:

Decision Disposition

**Affirmed**

**56 PROCEEDING ENTRIES**

1. 5-Feb-2015 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 01/08/15
2. 5-Feb-2015 FILED: e-Record on Appeal:  
Instruments/Minute Entries

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3.	2-Mar-2015	FILED: Notice to Parties re: Appellants' Fee/Case Management Statement/Brief Due
4.	13-Mar-2015	FILED: Appellants' Notice of Payment of Filing Fee; Certificate of Service for Appellants' Notice of Payment of Filing Fee
5.	13-Mar-2015	FILED: Notice of Receipt of Complete Application (for Paul Cook); Certificate of Good Standing (for Paul Cook); Application for Appearance Pro Hac Vice (For Paul Cook) (Appellant)
6.	17-Mar-2015	RECEIPT No.: 2015-00338 ; \$280.00, Authorization: #75021327821, Applied to: MARY QUIROZ et al. - Class A Filing Fee (\$280.00) Paid for: Elizabeth Davis - By Integrated Resource Systems
7.	20-Mar-2015	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
8.	23-Mar-2015	FILED: Case Management Statement (Appellant)
9.	23-Mar-2015	FILED: Notice of Receipt of Complete Application (Pro Hac Vice) for Paul C. Cook; Certificate of Good Standing for Paul C. Cook; Verified Application to the State Bar of Arizona (Pro Hac Vice) for Paul C. Cook (Appellant)
10.	22-Apr-2015	FILED: Appellants' Motion for Procedural Order to Extend Time for Filing Appellants' Opening Brief; Untitled (Certificate of Service) (Appellant)
11.	22-Apr-2015	FILED: Notice of Receipt of Complete Application (Pro Hac Vice) for Paul Cook; Certificate of Good Standing (Pro Hac Vice) for Paul Cook; Verified Application to the State Bar of Arizona (Pro Hac Vice) for Paul Cook (Appellant)
12.	24-Apr-2015	ORDERED: Appellants' Motion for Procedural Order to Extend Time for Filing Appellants' Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Friday, 05-01-2015 to Monday, 06-01-2015. Melina Brill ProTem Judge - Author
13.	1-Jun-2015	FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service
14.	1-Jun-2015	FILED: Appellants' Appendix (Volume 1 of 3)
15.	1-Jun-2015	FILED: Appellants' Appendix (Volume 2 of 3)
16.	1-Jun-2015	FILED: Appellants' Appendix (Volume 3 of 3)
17.	1-Jun-2015	FILED: Notice of Receipt of Complete Application; Certificate of Good Standing; Verified Application to the State Bar of Arizona (Appellant)
18.	1-Jun-2015	FILED: Reporter's Transcript (Notice); Reporter's Transcript of Proceedings 11/18/14 (Robin G Bobbie) (Appellant)
19.	1-Jun-2015	FILED: Notice of Receipt of Complete Application; Certificate of Good Standing; Verified Application to the State Bar of Arizona (Appellant)
20.	22-Jun-2015	FILED: Appellees' Motion for Procedural Order to Extend Time for Filing Appellees' Response Brief; Certificate of Service (Appellee)
21.	23-Jun-2015	ORDERED: Appellees' Motion for Procedural Order to Extend Time for Filing Appellees' Response Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 07-20-2015 to Wednesday, 08-19-2015. Melina Brill ProTem Judge - Author
22.	25-Jun-2015	RECEIPT No.: 2015-00878 ; \$140.00, Authorization: #75016858433, Applied to: ALCOA INC - Class B Filing Fee (\$140.00) Paid for: Gordon & Rees LLP - By Integrated Resource Systems
23.	8-Jul-2015	FILED: Motion to Associate Counsel Michael Gurien; Certificate of Service; Attachments to Motion to Associate Counsel Michael Gurien (Appellant)
24.	3-Aug-2015	ORDERED: Motion to Associate Counsel Michael Gurien; (Appellant) = GRANTED and permitting attorney Michael Gurien of firm Waters, Kraus, and Paul to appear pro hac vice as co-counsel for plaintiffs/appellants w/ Burt Rosenblatt of Ely Bettini Ulman & Rosenblatt as local counsel. Barbara Vidal Vaught ProTem Judge - Author
25.	3-Sep-2015	ORDERED: (To, date, court has not received answering brief or another request for an extension of time to file brief) Answering brief shall be filed on/before 9/14/15. If not timely filed, appeal will be submitted for decision on record and opening brief. Melina Brill ProTem Judge - Author
26.	4-Sep-2015	FILED: Answering Brief of Appellees; Certificate of Service and Certificate of Compliance; Certificate of Service and Certificate of Compliance (duplicate)
27.	25-Sep-2015	FILED: Appellants' Motion for Procedural Order to Extend Time for Filing Appellants' Reply Brief; Certificate of Service for Appellants' Motion for Procedural Order to Extend Time for Filing Appellants' Reply Brief (Appellant)

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28.	25-Sep-2015	FILED: Notice of Receipt of Complete Application for Michael B. Gurien (Pro Hac Vice); Certificate of Good Standing for Michael B. Gurien (Pro Hac Vice); Verified Application to the State Bar of Arizona for Michael B. Gurien (Pro Hac Vice) (Appellant)
29.	28-Sep-2015	ORDERED: Appellants' Motion for Procedural Order to Extend Time for Filing Appellants' Reply Brief (Appellant) = GRANTED in part. Due date EXTENDED from Tuesday, 09-29-2015 to Monday, 10-19-2015. Melina Brill ProTem Judge - Author
30.	19-Oct-2015	FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service
31.	19-Oct-2015	FILED: Notice of Receipt of Complete Application for Michael B. Gurien dated 6/29/15; Certificate of Good Standing for Michael B. Gurien dated 6/11/15; Verified Application to the State Bar of Arizona for Michael B. Gurien dated 6/18/15 (Appellant)
32.	26-Oct-2015	FILED: Appellants' Request for Oral Argument; Certificate of Service (Appellant)
33.	26-Oct-2015	FILED: Notice of Receipt of Complete Application for Michael B. Gurien (Pro Hac Vice); Certificate of Good Standing for Michael B. Gurien (Pro Hac Vice); Verified Application to the State Bar of Arizona for Michael B. Gurien (Pro Hac Vice) (Appellant)
34.	30-Oct-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
35.	5-Nov-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record
36.	10-Nov-2015	FILED: Coalition for Litigation Justice, LLC's Motion for Leave to File Amicus Brief; Certificate of Service (Amicus Curiae)
37.	10-Nov-2015	FILED: Amicus Curiae Brief of the Coalition for Litigation Justice, LLC in Support of Defendants/Appellees; Certificate of Compliance; Certificate of Service
38.	13-Nov-2015	ORDERED: Appellants' Request for Oral Argument; (Appellant) = GRANTED. Hon Michael J Brown - Author
39.	10-Dec-2015	ORDERED: granting motion accepting for filing amicus curiae brief of Coalition for Litigation Justice, LLC lodged on 11/10/15. FURTHER ORDERED: any party may file a response to amicus curiae brief of Coalition for Litigation Justice LLC on/before 2/16/16. FURTHER ORDERED: Staying appeal to/including 1/25/16, and revesting jurisdiction in Maricopa Superior Court to consider application by appellants for signed judgment with certification of finality pursuant to Rule 54(c). FURTHER ORDERED: If superior court grants application, appellants shall file a copy of signed judgment w/in 10 days after its entry. Appeal will be automatically reinstated. FURTHER ORDERED: If appeal has not been reinstated, appellants shall file a request to continue stay of appeal or appeal may be dismissed. Hon Michael J Brown - Author
40.	7-Jan-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Judgment filed on 12/21/15 re: final judgment pursuant to Rule 54(c))
41.	8-Jan-2016	FILED: Notice of Submission of Final Judgment; Certificate of Service for Notice of Submission of Final Judgment (Appellants)
42.	16-Feb-2016	FILED: Appellants' Response to Amicus Curiae Brief of the Coalition for Litigation Justice, LLC; Page 12 of Brief; Certificate of Service (Appellant)
43.	31-Mar-2016	CLNDR: MONTHLY COURT CASE CALENDAR, Department C, 5-25-16, 10:15 am, COURTROOM 2.
44.	8-Apr-2016	FILED: Notice of Oral Argument
45.	13-May-2016	FILED: Receipt for Notice of Oral Argument, Signed by Michael B. Gurien on 04/08/2016 (Appellant)
46.	16-May-2016	FILED: Return Receipt for Notice of Oral Argument, Signed by Edward M. Slaughter on 05/16/2016; Certificate of Service (Appellee)
47.	20-May-2016	FILED: Emergency Motion for Procedural Order to Continue Oral Argument; Certificate of Service (Appellees)
48.	24-May-2016	ORDERED: Emergency Motion for Procedural Order to Continue Oral Argument (Appellees) = GRANTED/Vacating oral argument previously set for 5/25/2016 at 10:15 am in Courtroom 2 and resetting same to 6/15/2016 at 11:00 am in Courtroom 1. Hon Patricia A Orozco - Author
49.	24-May-2016	FILED: Return Receipt Re Oral Argument, signed by Michael B. Gurien, on 5/24/2016 (Appellants)
50.	24-May-2016	FILED: Return Receipt Re Oral Argument, signed by Edward M Slaughter on 05/24/2016; Certificate of Service (Appellees)
51.	26-May-2016	FILED: Return Receipt Re Oral Argument, signed by Mark Tuvim on 05/24/2016; Certificate of Service (Appellees)
52.	15-Jun-2016	FILED: Sign-in Sheet/Case is Under Advisement as of 06/15/2016 (Dept C)
53.	20-Sep-2016	OPINION (Affirmed) Hon Jon W Thompson - Author; Hon Patricia A Orozco - Concur; Hon Peter B Swann - Concur

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- 54. 20-Sep-2016 FILED: Opinion Distribution List
- 55. 21-Oct-2016 FILED: Email Notice from ASC re: Petition for Review filed 10/20/16; request for partial record
- 56. 24-Oct-2016 FILED: Letter forwarding partial record to Arizona Supreme Court